

Introduced by Senator Price

February 19, 2010

An act to amend ~~Section~~ *Sections 2153 and 2154* of the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1434, as amended, Price. Voter registration: *incomplete* affidavits: rebuttable presumptions.

Under existing law, when a county elections official receives an affidavit of voter registration that does not include ~~portions~~ *all required information but the telephone number of the affiant is legibly included, that official is required to telephone the affiant to collect the missing information.*

This bill would alternatively permit the county elections official to contact the affiant by e-mail, if the e-mail address is legibly provided on the affidavit.

Additionally, under existing law, when a county elections official receives an affidavit of voter registration that does not include portions of information for which space is provided, the county elections official is required to apply several rebuttable presumptions. Those presumptions include a presumption that if the affiant fails to list a middle name or initial then no middle name exists, and if the affiant fails to list a state of birth within the United States then it is presumed that the place of birth is in the United States if the affiant lists his or her birthplace as the United States, U.S.A., or other recognizable term designating the United States.

This bill would provide that if an affiant fails to identify his or her place of birth, the county elections official shall apply a rebuttable presumption that the affiant is eligible to register to vote if the affiant marked the box on the affidavit of registration, executed under penalty of perjury, that the affiant is a citizen of the United States.

~~The bill would additionally provide that it would incorporate provisions of Senate Bill 6 if Senate Constitutional Amendment 4 from the 2009-10 Regular Session is approved by the voters.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2154 of the Elections Code, as amended~~
2 ~~by Section 5 of Chapter 899 of the Statutes of 2000, is amended~~
3 ~~to read:~~

4 ~~2154. In the event that the county elections official receives~~
5 ~~an affidavit of registration that does not include portions of the~~
6 ~~information for which space is provided, the county elections~~
7 ~~official voters shall apply the following rebuttable presumptions:~~

8 ~~(a) If no middle name or initial is shown, it shall be presumed~~
9 ~~that none exists.~~

10 ~~(b) If no party affiliation is shown, it shall be presumed that the~~
11 ~~affiant has no party affiliation.~~

12 ~~(c) If no execution date is shown, it shall be presumed that the~~
13 ~~affidavit was executed on or before the 15th day prior to the~~
14 ~~election, provided that (1) the affidavit is received by the county~~
15 ~~elections official on or before the 15th day prior to the election;~~
16 ~~or (2) the affidavit is postmarked on or before the 15th day prior~~
17 ~~to the election and received by mail by the county elections official.~~

18 ~~(d) If the affiant fails to identify his or her state of birth within~~
19 ~~the United States, it shall be presumed that the affiant was born in~~
20 ~~a state or territory of the United States if the birthplace of the~~
21 ~~affiant is shown as "United States," "U.S.A.," or other recognizable~~
22 ~~term designating the United States.~~

23 ~~(e) If the affiant fails to identify his or her place of birth, it shall~~
24 ~~be presumed that the affiant is eligible to register to vote if he or~~
25 ~~she marked the box on the affidavit of registration, executed under~~
26 ~~penalty of perjury, that he or she is a citizen of the United States.~~

1 SECTION 1. *Section 2153 of the Elections Code is amended*
2 *to read:*

3 2153. (a) Except as provided in Section 2154, the affidavit of
4 registration shall show all the facts required to be stated.

5 (b) If the affidavit does not contain all of the information
6 required, but the telephone number *or the e-mail address* of the
7 affiant is legible, the county elections official shall telephone *or*
8 *e-mail* the affiant and attempt to collect the missing information.

9 (c) If the affidavit does not contain all of the information
10 required, and the county elections official is not able to collect the
11 missing information by telephone *or e-mail*, but the mailing address
12 of the affiant is legible, the county elections official shall inform
13 the affiant of the reason for rejection and shall send to the affiant
14 a new voter registration card.

15 SEC. 2. Section 2154 of the Elections Code, as amended by
16 Section 11 of Chapter 1 of the Statutes of 2009, is amended to
17 read:

18 2154. In the event that the county elections official receives
19 an affidavit of registration that does not include portions of the
20 information for which space is provided, the county elections
21 official voters shall apply the following rebuttable presumptions:

22 (a) If no middle name or initial is shown, it shall be presumed
23 that none exists.

24 (b) If no party preference is shown, it shall be presumed that
25 the affiant has chosen the “No Party Preference” designation.

26 (c) If no execution date is shown, it shall be presumed that the
27 affidavit was executed on or before the 15th day prior to the
28 election, provided that (1) the affidavit is received by the county
29 elections official on or before the 15th day prior to the election,
30 or (2) the affidavit is postmarked on or before the 15th day prior
31 to the election and received by mail by the county elections official.

32 (d) If the affiant fails to identify his or her state of birth within
33 the United States, it shall be presumed that the affiant was born in
34 a state or territory of the United States if the birthplace of the
35 affiant is shown as “United States,” “U.S.A.,” or other recognizable
36 term designating the United States.

37 (e) If the affiant fails to identify his or her place of birth, it shall
38 be presumed that the affiant is eligible to register to vote if he or
39 she marked the box on the affidavit of registration, executed under
40 penalty of perjury, that he or she is a citizen of the United States.

1 ~~SEC. 3.—Section 2 of this bill shall become operative if Senate~~
2 ~~Constitutional Amendment 4 from the 2009–10 Regular Session~~
3 ~~is approved by the voters and becomes operative on January 1,~~
4 ~~2011, in which case Section 1 of this bill shall not become~~
5 ~~operative.~~

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